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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,355

02/23/2005

Genevieve Guerin-Schmitt

1418-148

3931

24106 7590 04/21/2009
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EXAMINER

NICHOLS II, ROBERT K

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

04/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/525,355	Applicant(s) GUERIN-SCHMITT, GENEVIEVE	
	Examiner ROBERT K. NICHOLS II	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is responsive to the amendment filed on 01/28/2009. As directed by the amendment: no claims have been amended, claims 1-10 have been cancelled, and new claims 11-19 have been added. Thus, claims 11-19 are presently pending in this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 12-14 depend on cancelled claim 10. For the purpose of examination, claims 12-14 are treated as being dependent on claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dessureault (US 3,687,339) in view of Richardson (GB 745254).

Regarding claims 11 and 12, Dessureault discloses a transmission device for transforming at least one oscillating movement into a unidirectional rotational movement including an actuator 25 oscillating round an oscillating axle, between two positions, in a first driving direction, and in a second return direction opposite the driving direction, a wheel 23 fitted with a rotational axle 19, the oscillating axle and the rotational axle of the wheel 23 being merged, means 31 for driving the wheel 23 by a bracing effect, slaved to the actuator 25, driving the wheel 23 into a first forward direction, and means 35 for locking the wheel 23 by a bracing effect, preventing the wheel 23 from rotating into a backward direction opposite the first forward direction (see figures 1, 4 and column 2, lines 35-55).

Dessureault discloses the actuator 25 is including of a lever whereof one end being hinged to the rotational axle 19 of said wheel 23 (see figure 1). Dessureault further discloses a declutching means to release the pinion 17 relative to the rotational axle 19 of the wheel 23 (see figure 1, column 2, lines 17-22 and 28-35). Examiner notes Dessureault discloses a removable wall 3 held to the housing by a screw being means for mounting and releasing of the pinion 17, cylinder 21 and wheel 23 relative to the rotational axle 19.

Dessureault discloses the transmission device including a tank 7 containing the material; having a distribution nozzle 49 and with a piston 11; and a rack 15 co-operating with the piston 11 to release material from the tank 7 (see figure 1 and 3).

Regarding claim 16, Dessureault discloses a pinion 17 co-operating with the rotational axle 19 of the wheel and engaging into a rack 15 capable of transforming the oscillating movement into an unidirectional linear movement (see figure 1).

With further regards to claim 11, Dessureault discloses a driving means 31 and locking means 35 co-operating with the wheel 23 (see figure 4). However Dessureault fails to disclose the wheel exhibiting a smooth edge, wherein the driving means and the locking means each including of an eccentric co-operating with the smooth edge.

Richardson teaches an improvement in a ratchet mechanism for a transmission device transforming at least one oscillating movement into rotational motion including a wheel (B') exhibiting a smooth edge, wherein a driving means and locking means each including of an eccentric (a1) and (a5) co-operating with the smooth edge of the wheel (B'), the distance between rotation of one eccentric and the rotational axle (B) of the wheel (B') remaining constant during the operation; wherein when the actuator (A) moves into the driving direction, the driving eccentric (a1) braces against the wheel (B'), for driving the wheel (B') into rotation into the forward direction; wherein when the actuator (A) moves into the return direction, the locking eccentric (a5) braces against the wheel (B') to prevent the wheel (B') from being brought into rotation into the reverse direction; and wherein one eccentric slides freely alongside the edge of the wheel (B') when the other braces against the wheel (B'). Richardson further discloses the apparatus provides a ratchet mechanism capable of giving variable movement to the

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wheel at each stroke of the lever (see figures 1 and 3; page 1, lines 10-20 and 52-58; and page 1, line 80 - page 2, line 25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the transmission device of Dessureault with a wheel exhibiting a smooth edge, wherein the driving means and the locking means each including of an eccentric co-operating with the smooth edge, as taught by Richardson, in order to provide a ratcheting mechanism capable of giving variable movement to the wheel at each stroke of the lever.

Regarding claim 14, the combination of Dessureault and Richardson discloses the claimed invention except for the eccentric exhibiting an eccentricity of 3/10 millimeter for a 6 mm diameter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an eccentric exhibiting an eccentricity of 3/10 millimeter for a 6 mm diameter, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Claims 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dessureault (US 3,687,339) and Richardson (GB 745254) as applied to claims 11, 12, 14 and 16 above, further in view of Nihei et al. (US 6,296,484).

Regarding claims 15 and 17-19, the combination device of Dessureault and Richardson discloses all the elements of the claimed invention except the lever being slaved by a dog to a control means describing an alternating movement, wherein the dog is positioned alongside the lever at variable distance from the oscillating axle of the lever.

Nihei teaches a lever 3 being slaved by a dog or engaging protrusion 3a to a control means 2 describing an alternating movement, wherein the dog 3a is positioned alongside the lever 3 at variable distance from the oscillating axle 3b of the lever 3 in order to obtain relational movement between the lever 3 and control means 2 (see figure 1 and column 6, lines 50-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the Dessureault device with a lever being slaved by a dog to a control means describing an alternating movement, wherein the dog is positioned alongside the lever at variable distance from the oscillating axle of the lever, as taught by Nihei, in order to obtain relational movement between the lever and a control means.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dessureault (US 3,687,339) and Richardson (GB 745254) as applied to claims 11, 12, 14 and 16 above, further in view of Stieber (DE 7 437 065).

Regarding claim 13, the device of the combination of Dessureault and Richardson discloses the claimed invention except for the eccentrics including truncated rollers delineating a flat surface, the device further including springs co-operating with

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the flat surface of said eccentrics and maintaining contact between the eccentrics and the wheel.

Stieber teaches a device having an eccentric 13a including a truncated roller delineating a flat surface, further including a spring 14a co-operating with the flat surface of the eccentric 13a providing force pressing the eccentric into the wheel and maintaining contact between the eccentric 13a and the wheel 5a (see figure 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the eccentrics of the combination device of Dessureault and Richardson with a truncated rollers delineating a flat surface, further including springs co-operating with the flat surface of the eccentrics and maintaining contact between the eccentrics and the wheel, as taught by Stieber, in order to provide force pressing the eccentrics into the wheel, for maintaining contact between the eccentric and the wheel.

Response to Arguments

Applicant's arguments submitted under "REMARKS" in the response filed 01/28/2009 have been fully considered but they are not persuasive.

Features of Applicant's claimed invention are disclosed as illustrated in this office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT K. NICHOLS II whose telephone number is (571)270-5312. The examiner can normally be reached on Mon-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. K. N./
Examiner, Art Unit 3754

/Kevin P. Shaver/
Supervisory Patent Examiner, Art
Unit 3754